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The Director of Central Intelligence
Washington, D.C. 20505

OLC #78-399/1

Legislative Counsel

9 November 1978

MEMORANDUM FOR: Jim Frey

Dear Jim:

Subsequent to my letter of 22 September 1978, providing our views on the proposed report to the SSCI concerning the effects of S. 2525 on the Government's anti-terrorism capabilities, Ambassador Quainton wrote me a letter providing his further views. Attached for your information is a copy of that letter and my reply to the Ambassador.

[Redacted Signature]

Frederick P. Witz

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Attachments



DEPARTMENT OF STATE

Washington, D.C. 20520

CLC 318-399/10

October 17, 1978

Dear Mr. Hitz:

OMB has provided me a copy of your letter of September 29 to Jim Frey concerning my proposed response to the Senate Intelligence Committee's request, made at its hearing August 9, for an inter-agency review of the effect of S.2525 on the anti-terrorism capabilities of the U.S. Government. Your letter unfortunately seriously misrepresents the status of the document in question which is not based upon the views of the Office for Combatting Terrorism, but which is an analysis prepared entirely by the intelligence community. This study was undertaken, at my request, by the CCPC Subcommittee on Terrorism, chaired by CIA, and its Legal Problems Panel, chaired by the Justice Department.

It seems to me that it would still be useful to transmit this analysis to the Senate Intelligence Committee in the spirit of cooperation we have been trying to maintain and develop with it. In any event, I hope you will clarify to Jim Frey the fact that the Department's response is in fact a product of the intelligence community.

Sincerely yours,

Anthony C.E. Quainton
Director

Office for Combatting Terrorism

Mr. Frederick P. Hitz,
Legislative Counsel to the
Director of Central Intelligence,
Washington, D.C. 20505

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

Legislative Counsel

9 November 1978

Ambassador Anthony C.E. Quainton, Director
Office for Combatting Terrorism
Department of State
Washington, D.C. 20520

Dear Ambassador Quainton:

I have received your letter of 17 October 1978 on the matter of the proposed report to the Senate Select Committee on Intelligence concerning the effects of S. 2525 on the Government's anti-terrorism capabilities. I agree fully with you that we should be as forthcoming as possible in providing our views on S. 2525 to the SSCI.

At the same time, however, I continue to believe that we will have the most impact if we base our efforts on the work already accomplished and being pursued by the Charter Legislation Working Group, chaired by Anthony A. Lapham, the Director's General Counsel, who shares this view. In this way, we will be able to present coordinated and comprehensive Administration views on S. 2525. This process is designed to focus on all aspects of S. 2525, including anti-terrorism. The Administration views thus developed will be buttressed by the fact that they resulted from a comprehensive review of the bill by the Working Group, the NSC and the President.

With regard to whether the proposed report to the intelligence committee should be characterized as the views of the Intelligence Community, it seems to me that while the proposed report represents views of components in the Intelligence Community including the Office for Combatting Terrorism, we should be careful not to characterize the report as representing the views of the Community. The proposed report we received from Jim Frey, OMB, on 22 September 1978, asked for our views on the "State proposed report," and we simply used that same characterization in our reply.

The important point is that the Charter Working Group should have the benefit of the views of your Office when the Administration's positions on S. 2525 are presented to the Senate Committee. The proposed report has been made available to the Charter Working Group and I am certain any additional views your Office may have would be welcome.

We are certainly available to discuss this aspect of the charter legislation further. I am providing Jim Frey a copy of our correspondence.

Sincerely yours,

SIGNED

Frederick P. Hitz